IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Roy OBERHAUSER	Conf:	3037
Serial No.:	10/551,454	Group:	2193
Filed:	September 30, 2005	Examiner:	Unknown
For:	METHOD AND ARRAY FOR CHANGING SOFTWARE OR SOURCE CODE		

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop PCT   March 3, 2008
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment dated February 25, 2008, Applicants hereby respectfully petition under the provisions of 37 C.F.R. 1.181 and M.P.E.P. §711.03(c) for decision to withdraw the holding of abandonment.

The Notice of Abandonment dated February 25, 2008 indicates that this application was abandoned in view of Applicants' alleged failure to respond to a Notification of Missing Requirements dated May 24, 2006. However, a review of the file jacket for the present application, the firm docketing records, and the contents of the image file wrapper for the present application reveals that HDP never received a Notification of Missing Requirements. Further, the Notification was not available from a review of Private PAIR and thus **Applicants cannot yet prepare a response thereto** in connection with the present application.

The fact that the Notification allegedly mailed on May 24, 2006 is evidenced by **Exhibits I-III** attached hereto.

Exhibit I is a copy of the front page of the attorney's file jacket of Serial No. 10/551,454. It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petition Examiner will note, there is no entry with respect to the Notification of Missing Requirements allegedly mailed May 24, 2006, and there is no due date listed for July 24, 2006, the date the period of reply would have been set for a May 24, 2006 Notification of Missing Requirements.

Exhibit II is a copy of the manual daily docket sheet for Harness Dickey & Pierce P.L.C. (Reston Office) for the due date of July 24, 2006, containing entries made by our Docketing Personnel of due dates in response to United States Patent and Trademark Office Actions. It is the policy of our office to docket all due dates for Office Actions received from United States Patent and Trademark Office into our manual docket system. As indicated by the Daily Docket, which lists due dates in numerical order of the HDP docket number, there is no July 24, 2006 entry for HDP docket number 32860-000953/US (which corresponds to Application Serial No. 10/551,454).

Exhibit III is a copy of the Image File Wrapper printed from Private PAIR on February 29, 2008. The Image File Wrapper does not make available a copy of the Notification of Missing Requirements. Applicants respectfully request re-issuance of the Notification of Missing Requirements in order to properly respond to the issues therein.

In view of the above-described facts, it is readily apparent that the abandonment of the present application was unavoidable and due solely to problems with the United States Patent and Trademark Office mailing the Notification of Missing Requirements as alleged on May 24, 2006. Accordingly, this petition is being timely filed for the purpose of petitioning withdrawal of the abandonment in view of the above-stated facts.
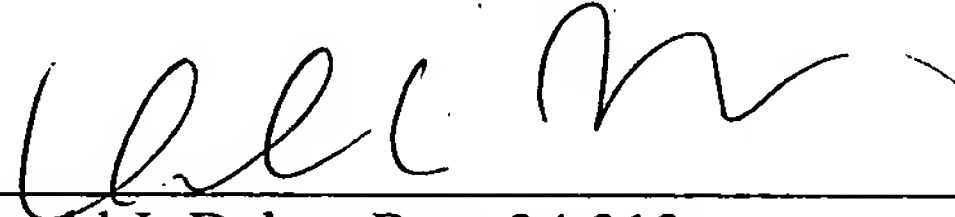
It is further believed that no petition fee is necessary in connection with this petition. In the event that the petition fee is deemed necessary by the United States Patent and Trademark Office, it is respectfully requested that the fee of $130.00 as set forth in 35 U.S.C. §1.17(h)(1) be charged to Deposit Account No. 08-0750.

In the event that any matters remain at issue in the application, the Examiner is invited to contact Donald J. Daley in the Northern Virginia area, for the purpose of a telephonic interview.

Respectfully submitted,

HARNESS, DICKEY AND PIERCE P.L.C.

By _____
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DJD/amp